

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

DARCY CORBITT, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	CASE NO. 2:18-cv-91-MHT-GMB
	)	
HAL TAYLOR, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT, DECLARATORY RELIEF,  
AND PERMANENT INJUNCTION**

Pursuant to Federal Rule of Civil Procedure 56, Plaintiffs Darcy Corbitt, Destiny Clark, and Jane Doe hereby move the Court for summary judgment on the claims in Counts I, II, III, and IV of Plaintiffs' First Amended Complaint (Doc. No. 38), and seek a declaration that the Alabama Law Enforcement Agency Policy Order 63, which requires transgender people to submit proof of having undergone genital surgery prior to correcting the sex on their driver's license, is unconstitutional. Plaintiffs' also seek a permanent injunction of Policy Order 63.

For the reasons set forth more fully in Plaintiffs' accompanying Memorandum of Law, the surgical requirement of Policy Order 63 is unconstitutional under both the Due Process and Equal Protection clauses of the Fourteenth Amendment to the U.S. Constitution, as well as the Free Speech clause of the First Amendment to the U.S. Constitution. Because there is no genuine dispute as to any material fact, Plaintiffs are entitled to summary judgment as a matter of law. Plaintiffs are also entitled to a permanent injunction of Police Order 63 because they have prevailed on the merits of their claims, there is no adequate remedy at law for the violations of their constitutional rights, and because irreparable harm will result if the Court does not

permanently enjoin the Act. Accordingly, Plaintiffs' Motion for Summary Judgment and Requests for Declaratory Relief and a Permanent Injunction should be granted.

Respectfully submitted this 8th day of February 2019.

s/ Brock Boone

Brock Boone  
Randall C. Marshall  
ACLU OF ALABAMA  
P.O. Box 6179  
Montgomery, AL 36106-0179  
(334) 265-2754  
bboone@aclualabama.org  
rmarshall@aclualabama.org

Rose Saxe  
Gabriel Arkles  
ACLU LGBT & HIV Project / ACLU Foundation  
125 Broad St., 18th Floor  
New York, NY 10004  
(212) 549-2605

[rsaxe@aclu.org](mailto:rsaxe@aclu.org)

[garkles@aclu.org](mailto:garkles@aclu.org)

*Admitted Pro Hac Vice*

***Counsel for Plaintiffs Darcy Corbitt, Destiny Clark, and  
Jane Doe***

**CERTIFICATE OF SERVICE**

I certify that on February 8, 2019, I filed the foregoing electronically using the Court's CM/ECF system, which will serve all counsel of record.

/s/ Brock Boone